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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,539	02/10/2004	Nevin P. Carr	P24690	1104

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EXAMINER

MENDIRATTA, VISHU K

ART UNIT PAPER NUMBER

3711

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/774,539	Applicant(s) CARR ET AL.	
	Examiner Vishu K Mendiratta	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-22,24 and 25 is/are rejected.
- 7) ☒ Claim(s) 3,9 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,4,6-8,11-14,21-22,24-25 rejected under 35 U.S.C. 102(b) as being anticipated by Csanady (5201524).

Claim 1-2,4,7,8,13,21-22,24-25: Csanady teaches a game system having a bottom portion (58) with a cup (74/80), a rotatable planer member (14) provided on the bottom portion (Fig.2), rotatable member (14) having first apertures (34), an outer top portion (outer shaded portion of 12) provided on the bottom portion (Figs. 2-3), and an inner stationary top portion (the inner portion of 12) having a second game piece (18) apertures (34) and superimposing the rotatable member (Fig.2).

Applicant may note that the split ring (46) in Csanady reference is broadly and reasonably treated as a rotatable frame (as in claims 2, 22-24) {further supporting the top inner portion (of 12) and the rotatable member (14)} because this ring is freely suspended and likely to somewhat rotate when the bottom rotatable member (14) is having circular movements.

The cup (74) further having step (70,71) for placing the rotatable member (14).

The top portion fixedly situated on top of the step (70,71) as in applicant's claim 8

Claim 6: Csanady teaches the inner stationary top portion (12) being planer (Fig.3).

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Claim 11: Csanady teaches the bottom portion comprising a box (16) with walls (54) extending from bottom and surrounding the rotatable member, outer and inner top portions (Fig.2).

Claim 12: Box with square interior (Fig.1) and open corners (60)

Claim 14: Csanady teaches both first and second game piece apertures being larger in diameter for game pieces to pass through them when apertures are in alignment (3:44-47).

3. Claims 15-19 rejected under 35 U.S.C. 102(b) as being anticipated by Csanady (5201524).

Claim 15-19: Csanady teaches a game system having a bottom portion (58) with a cup (74/80), a rotatable member (14) provided on the bottom portion (Fig.2), rotatable member (14) having first apertures (34), an outer top portion (outer shaded portion of 12) provided on the bottom portion (Figs. 2-3), and an inner stationary top portion (the inner portion of 12) having a second game piece (18) apertures (34) and superimposing the rotatable member (Fig.2).

Csanady further teaches a method step of positioning game pieces at a periphery of the game board and moving pieces from periphery position to inner stationary portion according to roll of dice (4:52-58), moving the rotatable member according to the roll of die (4:63-67), allowing the game piece to pass through upper and lower apertures and fall into the cup {(4:29-34) and (4:59-5:50)}.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5,20 rejected under 35 U.S.C. 103(a) as being unpatentable over Csanady.

Claim 5: Csanady teaches all limitations except that it does not teach a handle for rotating the rotatable member. Csanady however teaches that the member can be rotated manually (5:14-16) and it is common knowledge that the movement is only possible by inserting a figure or any other slender object such as a pencil etc. In order to move rotate the rotatable member it would have been obvious to use a handle such as a pencil etc. to play the game.

Claim 20: Csanady teaches all limitations except that it does not teach additional rotating members for exchanging. Csanady indicates that the embodiment is only an illustrative embodiment and more variations are obvious (5:45-50). In order to maintain interest in playing, it would have been obvious to provide more embodiments within the spirit and scope of the Csanady invention. One of ordinary skill in art at the time the invention was made would have suggested using several embodiments.

6. Claims 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Csanady in view of Lundberg (6382627).

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Csanady teaches all limitations except that it does not teach a cover for the central hole.

Lundberg teaches a cover (54) for the box that covers the hole as well.

It is often experienced that the game pieces are likely to be misplaced and especially during travel if the box is not provided with a cover. In order to secure game pieces, it would have been obvious to modify the Csanady box to use a cover for game pieces. One of ordinary skill in art at the time the invention was made would have suggested providing a cover for the box for securing game pieces.

Allowable Subject Matter

7. Claims 3, 9,23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 3762714 (Wilson),2460264 (Prentice), 442644 (Holahan).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large, stylized 'V' followed by a horizontal line and a small upward curve.

Vishu K Mendiratta
Primary Examiner
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VKM
December 22, 2004